

Minutes  
Regular Meeting  
Crystal Lake Township Planning Commission  
7:00 PM October 24, 2018  
Crystal Lake Township Hall

approved  
11-28-18  
Glen Wright  
11-28-18  
Tammy May

1. CALLED TO ORDER by Chairman Wright at 7:02 pm.
2. ROLL CALL AND RECOGNITION OF VISITORS  
Present: Chairman Greg Wright, Board Members Bill Herd, Mike Pasche  
Excused: Lee Ewing for Planning Education Course  
Absent: Tammy May  
Also present: Zoning Administrator Tom Kucera, Recording Secretary Jeannette Feeheley  
Visitors: Steve and Ann Loveless;  
Tassie Boshier and Dave Wynne with the Crystal Lake Watershed Association,  
and later Cathy Morris.
3. CALL FOR CONFLICT OF INTEREST: None.
4. CORRESPONDENCE: None.
5. APPROVAL OF MINUTES OF REGULAR MEETING OF SEPT. 26, 2018: The words "for the temporary ordinance" under first paragraph of "C" on page 4, after the word "language" was added. **Wright moved and the members voted to approve the Minutes with the Amendment.**
6. APPROVAL OF AGENDA: **Wright moved, the members approved.**
7. PUBLIC COMMENTS: Wright introduced the visitors present and offered opportunity for public comment. No public comments at this time.
8. REPORTS TO THE COMMISSION
  - A. Chair Report: The Chair mentioned he had attended meetings in Traverse City on housing and of Networks Northwest, where the focus was on small scale projects with people from around the state present. Asked whether anyone from Benzie was there, Wright responded yes, Frankfort City Manager and others, plus a couple of Benzie County Commissioners. The Chair reminded all that the Benzie County Summit will be held Oct. 30, from 9-4, at Grow Benzie.

B. Zoning Administrator Report: Administrator said he provided updates to their books of ordinances that have been approved. There is one more permit since the last Zoning Board meeting and that will be it for the year. Still getting lots of questions from property owners about what they can or cannot do on their properties but those questions may not end up in applications. Mentioned one large property with three dwellings on the lot that has now been subdivided. Questions remain how to proceed. Because of Land Division Law, it's just a sale and gets no prior review by zoning. Land transfer has taken place. Said the dividing is done by the surveyor, then the owner sells pieces off. The township assessor and he went to the township attorney on another similar situation and eventually found that it is a quirk in the law. Discussion ensued among Commissioners and Administrator. Administrator mentioned the Published Meeting Schedule should be clarified whether the next meeting will be November 14<sup>th</sup> or 28<sup>th</sup>. The applicant of a large property has not been able to provide all that Administrator needs to issue findings of fact, so Administrator and Applicant has asked for a postponement of the hearing. It was agreed to give more time to all interested so next meeting will be Nov. 28<sup>th</sup>. Chair and Commissioners discussed that, since some members of the public are present tonight for the subject, the Public hearing on the Dimeo Special Land Use Permit Application will begin tonight as scheduled, will be recessed, and then will be continued on Nov. 28<sup>th</sup>.

C. Zoning Board of Appeals: Administrator reported that Board of Appeals is seeing if one more meeting can be arranged before the end of the year. He is working on getting an interpretation from the Zoning Board of Appeals on the subject of the expanding non-conforming buildings.

#### 9A. DIMEO SPECIAL LAND USE PERMIT APPLICATION: REVIEW AND PUBLIC HEARING

The Chair called a Public Hearing at 7:21 pm. Administrator and Visitors confirmed that adjacent property owners received notification about the property. Drawing was difficult to see all detail, as sets of full size drawings had not been provided, as had been requested of Applicant, plus not all information requested has been provided. The drawing that was available was opened up at the Commissioners' table. Property is steeply sloped from Shorewood to its beach area on Crystal Lake. Overlay Ordinance says that if you're building on a slope in excess of 25 degrees, it is prohibited but that people can ask for a Special Use Land Permit, provided they show there is no other reasonable and prudent alternative on the lot. Home footprint is 2600 square feet, plus 1500 square foot garage.



Designer has been to see Administrator several times; location of home has been moved several times on the plan, always on the slope, not the beach. Beach has an old easement limiting what can be done, as it is still technically a right of way. Also must stay at least 35 feet away from the lake. Public volunteered that easement must be maintained as an emergency access. Easement has been abandoned but not vacated. Discussion of whether home on beach feasible, possible location of sanitary system and pump discussed. Both current buildings on the beach appear to be used as dwellings, so Administrator has notified property owners that they cannot have more than one dwelling unit on the property plus a guest house that is not a rental. He'll be asking for conditions on any permit to reflect that those two buildings not be expanded and that they not be used as a rental.

Questions about the driveway from the road to their garages and its steepness. What has been asked for and hasn't been received yet is how they would transition from the road to their driveway and what are they going to do with the run-off from that.

Concerns voiced about drainage system and plans for a retaining wall and pond. Pond in middle of woods will fill up with leaves and debris, so another possible condition that might be attached to the permit would be that they return that infiltration pond to design grades every five years or eight years, in other words, clean it out.

Discussion of where the home could be built, whether by the beach would be possible or would it be better up the slope. Easement by beach can be moved a bit but there's limited movement available. Powerline goes along Shorewood Drive on the lake side.

Storm waters calculations were also discussed and more information was desired, and that they based their calculations on a hundred-year storm. Discussion of storm handling.

Chair asked neighbors present if they had Public Input.

Neighbors: So-called 100 year storms happen every twenty minutes now. Public's concern is that the ordinance is in place for a specific reason. If the owners can show they can mitigate any of the issues, member of public really wants to know that they've got this whole thing planned out and they're not just guessing at things. Once you open the floodgates on something like this, there are a lot of properties that could ride on the shittails of this. There are potential issues with erosion, the holding pond, stagnant water, mosquito increase; it is a really challenging piece of property. Public member is comfortable with the builder if he can come up with a plan that's bullet-proof. As for building on the beach, that's tough, it is such a steep access.

Easement runs through old Crystal Lake Camp: a walking, biking easement, and must be open twice a year to put in a boat, and available for emergency access. Discussion of Peterson's Birchwood Plat and its Blocks and their easements.

Crystal Lake Watershed Association: Their interest is in helping the Planning Commission maintain your Zoning Watershed Overlay; concerns now and for 25 and 50 years about maintaining the quality of the lake. Concern with the retention of water that will accumulate over time, the cleaning out that will be needed; concern with the steepness and how they get down from the house and back up: what's their mechanism going to be? Concern that if they want in the future a view of the lake, they are going to have to take down a bunch of trees; it's a concern about vegetative and tree cover removal that would allow more drainage going into the lake. Also, if the top of the hill is lopped off, how is water going to be retained during construction. Concern also of percentage of lot that will be covered with impervious surfaces, roofs, driveways, as all that water has to go somewhere; drainage is important. Future issues include what if the property is sold or divided in the future? Will the permit conditions follow the property or is it just an agreement with this owner? Questions about the other buildings. Corollary issue: how much dockage and how many boat slips or moorings don't seem to be addressed. Watershed Association will get their concerns to the Commission in writing. Their concern is maintaining the health of the lake.

Another member of the Watershed Association voiced a concern about the removal of trees, as the Overlay permits 50% removal on slopes 25% or greater, but it's problematic on a property this large, as which 50%? Hoped it would involve a thinning rather than a clear-cut. Concerned if there would be plans for steps or a cable car, and further tree removal. Can each now subdivided lot remove 50% of the trees? Who is to remove the trees and how? Would an arborist be involved? Article 22 of Section 5 of the zoning ordinance has additional requirements and mention the diameter of trees. Owner needs a comprehensive plan for the vegetation.

Question as to how and if this application would affect the future, as the Watershed Overlay is over all the townships around the lake, not just Crystal Lake Township. Erosion starting to be a bigger issue around the lake.

As there was no more public comment offered at this portion of the hearing, Chair recessed the Public Hearing on this matter at 8:02 pm with plans to recommence it on November 28<sup>th</sup>.

#### 9B. SEENSTRA SLUP APPLICATION STATUS

Administrator has not received anything further and advised it be taken off the agenda.

10. UNFINISHED BUSINESS

A. Temporary Building and RV Ordinance 3.14 and 14.8 Status

Commission agreed to hold off discussion on this matter.

B. Solar Energy Ordinance Status

Commission agreed to hold off discussion on this matter.

11. NEW BUSINESS

None mentioned.

12. PUBLIC COMMENTS

Chair offered further opportunity for public comments. None offered.

13. OTHER BUSINESS: None.

14. ADJOURNMENT

Meeting adjourned at 8:02 pm.

Next meeting will be November 28, 2018.

Respectfully submitted,

Jeannette Feeheley

Recording Secretary